

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN J. DONACHIE,

Plaintiff,

- against -

ORDER ADOPTING
REPORT AND RECOMMENDATION
04-CV-2857 (RRM) (ARL)

LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON, LIBERTY MUTUAL INSURANCE
COMPANY, and LIBERTY MUTUAL HOLDING
COMPANY,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

This action arises out of a claim by plaintiff John J. Donachie for long-term disability (“LTD”) benefits under a plan administered by defendant Liberty Life Assurance Company of Boston (“Liberty”). By letter filed on June 9, 2014, Donachie objected to Liberty’s LTD benefits calculation. (Pl.’s Calculation Obj. Ltr. (“Pl.’s Ltr.”) (Doc. No. 57-1).) By Order entered September 2, 2015, this Court referred that objection and subsequent related documents to Magistrate Judge Lindsay for a Report and Recommendation (the “R&R”). On February 9, 2016, Judge Lindsay issued the R&R recommending that the Court adopt Liberty’s calculation and deny Donachie’s objection because Liberty did not act arbitrarily and capriciously. (R&R (Doc. No. 69) at 1, 7.)

Judge Lindsay reminded the parties that, pursuant to Rule 72(b), any objection to the R&R must be filed within 14 days. No party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See*

Covey v. Simonton, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby ORDERED that Donachie's objection to Liberty's benefits calculation is denied.¹

The Clerk of Court is directed to close the case.

SO ORDERED.

Roslynn R. Mauskopf

Dated: Brooklyn, New York
September 8, 2016

ROSLYNN R. MAUSKOPF
United States District Judge

¹ As discussed in further detail in the R&R, (R&R at 7 n.7), Liberty owes Donachie \$19.18, the result of erroneous over and underpayments.